

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD

IN THE MATTER OF THE APPEAL) OF ROYAL OAKS, FROM PENALTY) ASSESSED BY PUGET SOUND AIR) POLLUTION CONTROL AGENCY)	HB NO. 70-15 ORDER AFFIRMING PENALTY
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This is an appeal by Royal Oaks, a limited partnership, from a civil penalty of \$250.00 by the Puget Sound Air Pollution Control Agency, for the burning of waste material on June 5, 1970. It came on for hearing before the Pollution Control Hearings Board (James T. Sheehy and Matthew W. Hill, the latter being the Presiding Officer), on March 17, 1971, in Tacoma, Washington. The respondent, Puget Sound Air Pollution Control Agency, presented as exhibits, pictures of the fire in question, and testimony as to the material being burned, and that no approval had been given for the fire.

The appellant conceded that there was a fire at the time and place indicated in the civil penalty notice, but made the contention that the fire was covered by an "Air Pollution Approval for Burning of Natural Vegetation," and advanced the contention that two-by-fours and other scrap lumber being burned was "natural vegetation," and that in any event, others were burning the same kind of material and were not being penalized.

From the evidence presented, the Board makes the following

FINDINGS OF FACT

The outdoor fire in question was burning waste material from construction work, and as shown by the pictures taken of it, was of substantial size. Such a fire was in violation of Section 9.02 of the regulations of the Puget Sound Air Pollution Control Agency, and Royal Oaks had been warned that such a fire would be a violation of the Agency's regulations;

That the lumber and timber scraps being consumed in this fire were not "vegetation" within the purview of an approval for the burning of "natural vegetation."

CONCLUSIONS

From these facts, the Pollution Control Hearings Board concludes that Royal Oaks is guilty of a violation of Regulation 9.02 of the Puget Sound Air Pollution Control Agency, and that under the circumstances, the fine of \$250.00 is permissible and not unreasonable.

Based on the foregoing Findings and Conclusions, the penalty appealed from is affirmed.

DONE at Olympia, Washington this 6th day of April, 1971.

POLLUTION CONTROL HEARINGS BOARD

By Matthew W. Hill
Matthew W. Hill, Chairman

James T. Sheehy
James T. Sheehy, Member

Walt Woodward
Walt Woodward, Member